

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA :

: 07 CR. 990 (VM)

- against - :

ORDER

DERRICK SMIT, :

Defendant. :

-----X

VICTOR MARRERO, United States District Judge.

The Government (see attached letter) requests the exclusion of time until the next scheduled conference in this matter. The parties are directed to appear before the Court for a status conference on November 9, 2007 at 10:30 a.m.

All parties to this action consent to an exclusion of the adjourned time from the Speedy Trial Act until November 9, 2007.

It is hereby ordered that the adjourned time shall be excluded from speedy trial calculations. This exclusion is designed to guarantee effectiveness of counsel and prevent any possible miscarriage of justice. The value of this exclusion outweighs the best interests of the defendants and the public to a speedy trial. This order of exclusion of time is made pursuant to 18 U.S.C. §§ 3161(h)(8)(B)(ii) & (iv).

SO ORDERED:

Dated: New York, New York
31 October 2007



Victor Marrero
U.S.D.J.

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U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

October 29, 2007

By Fax (212-805-6382)

Honorable Victor Marrero
United States District Judge
United States Courthouse
500 Pearl Street, Room 660
New York, New York 10007

Re: United States v. Derrick Smit, 07 Cr. 990 (VM)

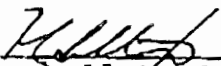
Dear Judge Marrero:

The Grand Jury returned an indictment in this matter on October 24, 2007, and the defendant was arraigned today in Magistrate's Court. The Court has set the first pre-trial conference for November 9, 2007, at 10:30 a.m. I write with the consent of the defense to request that the time until that date be excluded under the Speedy Trial Act to permit the Government to collect discovery for production and to facilitate potential plea negotiations.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By:


Marshall A. Camp
Assistant United States Attorney
Tel. No.: (212) 637-1035

cc: Roger J. Schwarz, Esq. (by fax: 212-986-5316)

SO ORDERED.

DATE

HONORABLE VICTOR MARRERO
UNITED STATES DISTRICT JUDGE